IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 30TH MARCH 2007 / 9TH CHAITHRA 1929

WP(C).No. 10154 of 2007(H)

PETITIONER:

LUKMAN, S/O.EASA, NEDUMPOTHIL HOUSE,
KANNAMANGALAM.P.O., MALAPPURAM DISTRICT.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS:

1.THE TAHSILDAR, THIROORANGADI.

2.THE DISTRICT COLLECTOR, MALAPPURAM.

3.THE SUB INSPECTOR OF POLICE,
VENGARA POLICE STATION,
MALAPPURAM DISTRICT.

4.THE KAVANNUR GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY.

5.STATE OF KERALA, REPRESENTED BY THE
CHIEF SECRETARY TO GOVERNMENT,
SECRETARIAT, TRIVANDRUM.

R1 TO R3 & R5 BY GOVT. PLEADER MR.K.J.MOHAMMED ANSAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C)No.10154 of 2007

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Dated: 30th March, 2007

JUDGMENT

The Government Pleader has not been able to get instructions so far. I am of the view that no useful purpose will be served from anybody's point of view by allowing the vehicle and the load to be kept idle in the precincts of the third respondent. Under these circumstances, the Writ Petition will stand disposed of issuing the following directions:

1. The petitioner will remit cash Rs.10,000/- with the 1st respondent and obtain a receipt.

2. The petitioner will file an affidavit on stamp paper of appropriate value undertaking to produce the vehicle having Registration No.KL 10T 6347 in good running condition if and when directed in that regard by the 2nd respondent or any other competent authority.

Once the third respondent notices the original of the cash receipt and the photostat copy of the affidavit filed by the petitioner in response to the above directions, the third respondent will forthwith release the lorry and the river sand to the petitioner. It is however made clear that the release of the lorry and the sand as directed above will be subject to the outcome of the adjudication proceedings which will be

completed by the 2nd respondent within four months of its commencement.

srd **PIUS C.KURIAKOSE, JUDGE**

Issue copy today itself.